

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MARVIN TROY HEISE,	)	
	)	
Plaintiff,	)	4:05cv3188
	)	
v.	)	ORDER
	)	
AMERITAS LIFE INSURANCE,	)	
	)	
Defendant.	)	

This matter is before the court on filing no. 14, the plaintiff's motion for leave to file an Amended Complaint. Filing no. 14 is granted, and the plaintiff shall have until **January 6, 2006** to file his Amended Complaint. Attached to this order is a standard complaint form, which may be used, but is not required.

The defendant has previously filed a Motion to Dismiss (filing no. 10), to which the plaintiff has filed an Objection (filing no. 13). The court will assume that the defendant intends filing no. 10, the Motion to Dismiss, to apply to the Amended Complaint once filed, unless the defendant files a new or amended motion to dismiss. If the defendant files a new or amended motion to dismiss, the plaintiff shall have 15 calendar days thereafter to respond.

SO ORDERED.

DATED this 5<sup>th</sup> day of December, 2005.

BY THE COURT:

s/ F. A. GOSSETT  
United States Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**AMENDED CIVIL COMPLAINT**

**Case No. 4:05cv3188**

**I. CASE CAPTION: Parties to this Civil Action:**

Pursuant to Fed. R. Civ. P. 10(a), the names of **all** parties must appear in the case caption. The court will **not** consider a claim against any defendant who is not listed in the caption.

A. Plaintiff(s) Name(s):

Address(es):

MARVIN TROY HEISE

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B. Defendant(s) Name(s):

Address(es) If known:

AMERITAS LIFE INSURANCE

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(Attach extra sheets if necessary.)

**II. STATEMENT OF CLAIM(S)**

State briefly the facts of your claim. Describe how each defendant is involved. You do not need to give legal arguments or cite cases or statutes. Use as much space as you need to state the facts. (Attach extra sheets if necessary.)

A. **When** did the events occur?

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### B. What happened?

[illegible]

## II. STATEMENT OF CLAIM(S) (continued)

**III. STATEMENT OF JURISDICTION**

Check any of the following that apply to this case (you may check more than one):

\_\_\_\_\_ United States or a federal official or agency is a party

\_\_\_\_\_ Claim arises under the Constitution, laws or treaties of the United States

\_\_\_\_\_ Violation of civil rights

☒ Employment discrimination

\_\_\_\_\_ Diversity of Citizenship (a matter between citizens of different states in which the amount in controversy exceeds \$75,000)

\_\_\_\_\_ Other basis for jurisdiction in federal court (explain below)

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#### **IV. STATEMENT OF VENUE**

State briefly the connection between this case and Nebraska. For example, does a party reside or do business in Nebraska? Is a party incorporated in Nebraska? Did an injury occur in Nebraska? Did the claim arise in Nebraska?

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**V. RELIEF**

State briefly what you want the court to do for you.

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**VI. EXHAUSTION OF ADMINISTRATIVE PROCEDURES**

Some claims, but not all, require exhaustion of administrative procedures. Answer the questions below to the best of your ability.

- A. Have the claims which you make in this civil action been presented through any type of administrative procedure within any state or federal government agency?

Yes \_\_\_\_\_ No \_\_\_\_\_

- B. If you answered yes, state the date your claims were so presented, how they were presented, and the result of that procedure:

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- C. If you answered no, give the reasons, if applicable, why the claims made in this action have not been presented through administrative procedures:

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**VII. ARE YOU REQUESTING TRIAL BY A JURY OR BY A JUDGE? (check one):**

JURY \_\_\_\_\_

JUDGE \_\_\_\_\_

**VIII. VERIFICATION**

**I (we) declare under penalty of perjury that the foregoing is true and correct.**

Date(s) Executed:

Signature(s) of Plaintiff(s):

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Note:

IF YOU CANNOT AFFORD TO PAY THE COURT'S FILING FEE UPON THE FILING OF YOUR COMPLAINT, THERE IS A SEPARATE FORM TO BE USED FOR APPLYING TO PROCEED IN FORMA PAUPERIS. Also, if there is more than one plaintiff in the case who wishes to proceed in forma pauperis, **each such plaintiff must submit a separate application to proceed in forma pauperis.**